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UNITED STATES OF AMERICA.

A

WORKING EDITION

OF THE

MICHIGAN ELECTION LAW

AND

GUIDE TO VOTERS AND ELECTION OFFICERS.

REVISED ACCORDING TO THE LATEST LEGISLATION.

COMPILED BY S. B. McCRACKEN.

DETROIT, MICHIGAN:
PUBLISHED BY THE COMPILER, 133 SEITZ BLOCK.
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AMENDMENTS TO THE ELECTION LAW.

The amendments made to the Act of 1891 by the Legislature of 1893 are as follows:

1. Prohibiting candidates for office from sitting on election boards. (See Sec. 55.) The provision is right in principle, but it is quite likely that the inconveniences that will result from its observance will be much greater than any abuses that would follow its non-observance. Attorney-General Ellis, in reply to an inquiry by the compiler, gives it as his opinion that a violation of the provision would subject the person offending to the penal provisions of section 114 (Sec. 45 of the Act of 1891). The provision will probably not be regarded as applicable to persons whose names may be on the ticket for inspectors of election, which will hardly be construed to be an "office."

2. Defining the time for opening and closing polls at judicial elections. (See Sec. 55a.)

3. Where but one officer is to be elected to a given office, the name on the party ticket need not be erased when a cross is made before the corresponding name on another ticket. (Sec. 59, 60, 60a. See also sample ballots on pages 22, 23.)

4. Tickets of illiterate and infirm persons to be marked in the booth by an inspector, in the presence of the challengers. (Sec. 61.)

5. Providing chairs and table for challengers, and giving them the right to inspect the poll lists. (Sec. 69.)

6. The ticket of the party having the most votes to be placed first on the ballot. (Sec. 94.)

7. Providing a round mark or circle at the head of the ticket instead of the square. (Sec 94 and p. 21.)

8. Requiring metallic stamps to be placed in the booths for marking the ballots.* (Sec 96.)

9. Permitting committees to print sample ballots on colored paper for the purpose of instruction. (Sec. 103.)

10. Limiting the number of voters in election districts to six hundred and fifty. (Sec. 104.)

11. Modifying the former provisions of law relative to expenditures of money for political purposes. (Sec. 113, clause 3.)

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* Attorney-General Ellis holds that a ticket marked with ink or pencil would be valid. The Attorney-General, after treating the subject at some length, concludes: "The words 'stamp,' 'make' and 'mark' in the Act, in all cases are used simply to instruct the voter where to mark the ballot and where the marking is to be done, and without particular intent as to a given method of marking.

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R. W. H. Mar. 20/17

DIGEST OF ELECTION LAWS

FOR THE USE OF REGISTRARS AND INSPECTORS OF ELECTION.

NOTE —The first pages following are designed more especially for the guidance of inspectors of election on election day. The Digest itself is in the language of the compiler, giving the substance of the statutes and well known decisions, and reciting in brief the several acts to be done in their order, with references to the text where deemed necessary. The most recent legislation is given in full, beginning on page 9, in manner as explained by note on that page. Under the opinion of the law officers of the city, the special provisions of the Detroit charter relating to elections are not affected by the general law.

MANNER OF CONDUCTING ELECTIONS.

1. Opening the Poll. The polls are opened at eight o'clock A. M.,* "or as soon thereafter as may be." When the full number of inspectors are present, the chairman should call them to order at the proper time, and they should then appoint not exceeding four clerks and two gate keepers. If any of the inspectors are absent at the time for opening, the chairman should announce to the electors present that the time for opening the poll has arrived, and the vacancies should then be filled by *viva voce* vote of the electors. If the chairman is absent, one of the other inspectors should make the announcement. The vacancies being filled, the clerks and gate keepers will then be appointed. The clerks and any inspectors so elected, and the gate keepers, should be sworn. Three of the inspectors should then be designated as special registers. The ballot boxes should then be examined, to see that nothing remains in them; they should then be locked, and the keys delivered to one of the inspectors, to be designated by the board. The packages of ballots should then be opened, and the ballots marked with the initials of one of the inspectors, and the stamps placed in the booths (Sec. 57), and the printed instructions posted as by Sec. 60d. Public proclamation should then be made that the polls are open.

2. Chairman of Board. If the chairman of the board be not present, the board, after the vacancies are filled, should elect a chairman for the day from their own number. (See Sec. 53)

3. Powers of the Board. In practice the three members designated to act as special registers until noon on election day will conduct the registration, and the three remaining inspectors will conduct the election. But on any question involving a division the whole board may be consulted. The division of the board for the purpose of registration, or for conducting the two o'clock count, does not limit the right of any member to his full voice on all questions.

4. The Ballots. Tickets can be had only from an inspector. Their circulation outside is prohibited. (See Sec. 62, herein.) The voter receives his ballot on entering the room, retires to the booth, and marks it. (See Secs. 59, 60, 60a, 60b and 60c.) If the voter exposes his ticket after marking it he forfeits his right to vote. (See Sec. 62.) For form of ballot and sample ballots, see pp. 21–23.

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* Central standard time, which is twenty-eight minutes slower than city time, governs in all matters relating to registration and elections. The hour for opening the polls in Detroit is governed by charter, which is 8 o'clock. This, however, has reference to city elections only. In case of a general election the polls open at 7 o'clock, and in the election of a member of Congress also. (See Sec. 55 and 55a.)

5. Duties of Inspectors with Reference to the Ballots. The packages of ballots are to be opened at the opening of the poll, and marked with initials, as by Sec. 57, and delivered to the electors in the order in which they apply. (Sec. 59.) The inspector may explain to the voter, or call an interpreter (Sec. 59), or may mark his ballot for him in a booth in the presence of the challengers. (Sec. 61.)

6. Reception of the Ballots. The voter must fold his ballot before offering it, so that no part of the inside can be seen, but so that the initials on the upper left hand corner on the outside may be seen. The inspector receiving the ballot will call the name in a clear, audible voice, and (the vote being deemed legal) will deposit it in the box without examining or permitting it to be examined. The chairman usually receives the votes, but may call any other inspector to that duty.

7. Limitation of Time in the Booths. The board may prescribe the time a voter may remain in a booth, but not less than one nor more than five minutes. (See Sec. 64.)

8. Gate Keepers. The gate keepers have the power of police officers in keeping the peace and maintaining order at the polls. The gate keeper at the entrance gate should admit only so many persons at any one time as there are booths unoccupied. The keeper at the exit gate should require each person to pass out when he has voted (or if his vote is refused), and should admit no one. Gate keepers are prohibited from soliciting an elector in regard to his vote, and no candidate for office can be a gate keeper. (See Secs. 58 and 63.)

9. Infirm Persons. Neither the Act of 1889 nor that of 1891 contains any provision whereby persons who are blind or otherwise infirm may be assisted to the polls. In the case brought under the Act of 1889 (Common Council of Detroit vs. Controller, 82 Mich., 532; 46 N. W. R., 951), it was held that infirm persons might be assisted to the polls, and that those blind or otherwise incapacitated might have their tickets prepared outside. But the cases differ in this: That the Act of 1889 did not prohibit the circulation of tickets outside, while the Act of 1891 does. By the last named Act, the only person who in terms may mark a ticket for an elector is an inspector. (See Sec. 61.) See also Secs. 58 and 62 as to the possibly implied right of an elector to have the assistance of an outside person in preparing his ballot. The spirit of the Act of 1891, and of the opinion handed down in the case cited, seem to favor the view that an infirm person may be assisted to the polls and have the assistance of an outside person in preparing his ballot in the booth where there is a necessity for it.

10. Challengers. Each political party, by authority signed by its proper committee, may appoint one challenger, "who shall be assigned such position * * * inside the polling place as will enable him to see each person as he offers to vote." Such challenger is entitled to the protection of the officers of election and the police in the discharge of his functions, and may remain until the returns are fully made up, signed and sealed. (See Sec. 69.) The challengers may also witness the marking of the ballots of illiterate and infirm persons. (Sec 61.) They are to be provided with chairs and table, and may inspect the poll lists. (Sec. 69.)

11. Challenges. It is the duty of each inspector, and the right of any elector, to challenge any person believed not to be a voter. The fact that a person is registered is proof *prima facie* only, that he is a voter. A registered person should be challenged if there is any doubt about his right to vote. The following form of oath may be used in cases of challenge:

"*You do solemnly swear* [*or affirm*] *that you will true answers make to such questions as shall be asked you, touching your qualifications as an elector at this poll.*" *

12. Marking Ballots of Challenged Persons. When the vote of a challenged person is received, before placing it in the box, one of the inspectors shall mark with pencil on the back of the ballot the number of the voter's name on the poll list, and with mucilage tack a bit of paper over the mark so as to conceal it, but so that the covering can be removed without injuring or defacing the mark. The covering is not to be removed by any inspector or clerk, and can be removed only upon the order of a court in case of a contested election. (See Secs. 72, 73.)

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* See Secs. 69 to 73 as to challenges. The charter of the city of Detroit provides for administering the usual form of judicial oath, and for examining the challenged person under oath, so that the form of oath prescribed by the general law (page 13) does not apply.

13. Who may Vote. The elective franchise in Michigan is confined to male persons twenty-one years of age and over.* Such persons only can vote who come within one or the other of the following classes:

I. Citizens of the United States, whether native or naturalized.

II. Persons of foreign birth who resided in the State on the 24th day of June, 1835.

III. Persons of foreign birth who resided in the State on the 1st day of January, 1850, and have declared their intention to become citizens six months prior to an election.

IV. Persons of foreign birth who have resided in the State two years and six months, and have declared their intention six months before election.

V. Civilized persons of Indian descent, born in the United States, and not members of any tribe.

A right of suffrage acquired under the 2d, 3d and 4th clauses above, does not confer the right upon sons. But sons of aliens who have declared their intentions, but died before naturalization, may become citizens upon making proof and taking the oath.

But no person can vote who has not resided in the State three months, and in the election district ten days preceding the election. Electors must also be registered.

Service in the army or navy does not of itself confer citizenship, but it confers a right of citizenship upon making the requisite proof and taking the prescribed oath.

14. Citizenship. Citizenship consists of—

I. Persons born or naturalized in the United States.

II. Children born in a foreign country, whose parents were citizens of the United States at the time.

III. Minor children of foreign birth dwelling in the United States at the time of the naturalization of their parents, if coming to the country before the age of sixteen.

This defines citizenship generally, although it may be qualified by various circumstances.

15. Residence. The residence of an elector is in the ward or election district in which his family resides, or where his regular boarding house is. The temporary residence of one's family elsewhere does not affect his domicil, and decisions are to the effect that a person may acquire a residence and right to vote at a place other than where his family resides, if such be his intention.

16. Removal after Registration. Where a person is registered in one district, and removes to another district *in the same ward* after the close of the registration, and before the then ensuing election, he may vote in the district from which he removed. But removal to another ward forfeits his right.

17. Registration on Election Day. Persons who were sick or absent from the city on the regular days of registration, may register up to noon on election day, by taking the required oath, for which special blank forms are provided. A person registered on election day should not be marked as "sworn" on the poll lists. Those only who are challenged at the poll should be thus marked.

18. Copy of Registration Lists. The inspectors, on closing the poll, are required to take one of the printed handbills and write thereon the names of all registered persons not on the printed lists The copy so made is to be certified by the board, or a majority of them, and filed with the county [city] clerk.

19. Saloons. If any poll should be appointed to be held in a saloon, or in any place contiguous to [connected with or adjoining] a saloon, or should any saloon be opened at or contiguous to the place where any poll may have been appointed, the inspectors, on or before the day of election, are required to find some other place as near at hand as may be, for holding the poll. They are to meet on the morning of election at the place first appointed, and after any vacancies in their own number may have been filled, adjourn to the place selected by them, making public declaration of such adjournment, and also posting a notice. (See Sec. 110.)

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* By an act of the Legislature, session 1889, women citizens of full age are allowed to vote for school inspectors at spring elections. By Act 138, Pub. Acts, 1893, a qualified suffage is extended to women at "all school, village and city elections." The validity of this act is being tested in the Supreme Court.

20. Liquors. No person is permitted to introduce any liquors into a room where an election is being held under penalty of fine and imprisonment. Any inspector or clerk of election drinking liquors or being intoxicated while on duty, is subject to a like penalty. (See Sec. 111.)

21. Closing the Poll. The polls are closed at five o'clock. Declaration should be made outside one hour, thirty minutes, fifteen minutes, and five minutes, respectively, before the closing.

CANVASS AND RETURNS.

22. Comparing the Poll Lists. This is the first step in making the canvass. If the number of names on each poll list is the same, the lists will be presumed to agree. It would be well, however, for the clerks to compare each page as it is completed, to see that the first and last names on each list are the same, and that the numbers correspond. By the Act of 1889, the poll lists, when duly verified, are to be signed by the inspectors and attested by the clerks. This last provision is not in the Act of 1891, but it may be fairly persumed to be still in force, and it is at least a safe rule to follow.

23. The Canvass. The method of the canvass does not differ essentially from that formerly practiced. (See Secs. 78, 79.)

24. Double Ballots. The law heretofore has made provision for destroying ballots where two or more were found folded together. Under the new law this can hardly occur.

25. As to Misplaced Ballots. But when a general and city election are held, or where there are separate city and ward tickets, so that more than one box is used, if an excess of ballots is found in the box first opened, it would be proper not to destroy them at once, but, after being drawn out, they should be sealed up (unopened) and kept until the count is finished, as the excess may come by reason of some ballots having been placed in the wrong box. But it will not do to offset an excess of votes on the two o'clock count against a possible deficiency in the five o'clock count.

26. The Two O'Clock Count. At two o'clock, three of the inspectors having been designated to conduct the canvass, the clerks should compare their poll lists, and if they agree, they should then write the words, "Two o'clock P. M." opposite the last name, and furnish the canvassing inspectors with the number of names on the lists at that time. The three inspectors should then take the boxes that have been used up to that time and proceed with the canvass Other boxes being substituted, they should be examined and locked, as by Secs. 1 and 7. *

27. The Return Blanks. As soon at least as the two o'clock count is begun, it would be well to place the return blanks in the hands of one of the clerks, who, under the direction of an inspector, should fill them out as fully as they can be before the canvass is completed. The return blanks may then all be signed by the inspectors as they have leisure during the afternoon. This course will greatly lessen the final work in closing up the returns.

28. No Adjournment. On closing the poll, the inspectors are to proceed, without recess or adjournment, to complete the canvass and returns.

29. The Returns. Three sets of returns are to be made out, and signed by all the inspectors present. Each set must be securely sealed up, and the names of all the inspectors written across the fold of the envelope. These returns are to be disposed of as follows: One set is to be delivered immediately to the county clerk by two inspectors appointed for the purpose. One set is to be delivered immediately to the city clerk by two other inspectors appointed for that purpose. The other set is to be delivered to the clerk of the Recorder's Court by the inspector appointed to attend the city canvass. The persons carrying the returns to the county and city clerks are required to proceed at once, but by different routes, to their respective destinations. The several clerks are required to keep their offices open until all the returns are received.

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* The provision for a two o'clock count is not mandatory. It was waived at the last election (and will probably be again), because of the inconvenience of providing so many ballot boxes. An honest count made after the close of the polls will be every way legal.

30. The Poll Lists. One of the poll lists should be inclosed with the returns sent to the county clerk, and the other with those sent to the city clerk.

31. The Tally Sheets. One of these is to be placed in the box with the ballots. (See Sec. 81.) The law makes no provision as to the disposition of the other. It would be well, as to a general election, to return it to the county clerk, and as to a city election to the city clerk, with the other returns.

32. The Registration Books. These should be signed by the inspectors after the close of the poll, and returned to the city clerk with the returns of the election.

33. The Ballot Boxes and Ballots. The canvass being completed, the ballots are returned to the proper boxes, with one of the tally sheets. The boxes must then be locked and sealed. (See Sec. 81.) The boxes are then taken in charge by a member of the metropolitan police.

34. Keys and Seal. These are returned to the city clerk.

35. Announcing the Result. The law provides that the canvassers shall publicly announce the result. (Sec. 83.) As three sets of returns are required to be made, after they have been made out they should be placed in the hands respectively of three inspectors, while a fourth should hold the tally sheets. The inspector holding the tally sheets should then read the figures, and those holding the returns should carefully compare them with the figures as read, and see that they agree. This reading and comparison will be a sufficient announcement of the result, if so stated at the time. And the inspectors should see that the tally sheets agree also.

36. City and County Canvass. One member of the board should be appointed to attend the city canvass, and, in case of a general election, a member should be appointed to attend the county canvass also. The board of city canvassers meet at the city clerk's office, or in the council chamber, at 3 P. M. on the Saturday following the election.*

37. Duplicity—Slips. If more persons are voted for for any office than there are offices to be filled, the ballot as to such office cannot count for any person. The new law does not contemplate any general use of slips, but yet they may be used.

38. Errors in Names. Where a name on a ballot is misspelled, but not so as to change the sound or pronunciation, the ballot is good. So in well known abbreviations of the first name, as Wm. for William, Jas. for James, Chas. for Charles, etc. Initials without a first name in full are not good. But yet when a person is commonly known and voted for by his middle name, as "J. Logan Chipman," it would be good, although a slip for J. Logan Chipman, if the tickets were printed for John L. Chipman, could not be counted.

39. Intention. Inspectors are not to judge too liberally as to the "intention" of the voter. A ballot may be a little out of form, and yet be good; but it must clearly express the will of the voter without calling upon the inspectors to guess at it. This must be ascertained from the ballot; and if that fails to express the intention, evidence cannot be allowed to explain it.

40. Title of Office. In designating an office, nothing is required beyond such a description as leaves no doubt of what is meant. Omitting the word "for" before the name of office, is immaterial. The description of the office, even in an abbreviated form, is sufficient, if it leaves no doubt as to what is intended.

REGISTRATION.

41. Registration, When Made. Registrations are held in the city as follows, closing in each case on the second Saturday before election:

On presidential years, four days, when a new registration is to be made throughout.

At general elections, other than presidential years, three days.

At city elections in odd numbered years, and at spring elections, two days.

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* Election boards in the wards composing the First Congressional District, on occasion of the special Congressional election in 1893, will appoint one of their number nominally to attend the "county canvass," although the district comprises only a part of the county. But there is no other provision of law for making return of the vote for Congressman.

The hours of registration on presidential years are 7:30 A. M. to 10 P. M., and on other years 10 A. M. to 8 P. M., continuously in all cases.

42. Entering Names in Register. Any person who is competent to do so may (if qualified) write his own name in the register, but in practice the names are (and it is better that they should be) entered by one of the registrars.

43. Personal Application. An elector, in order to be registered, must apply in person to the board when in session.

44. Who May Register. For qualifications of electors see sections 13 and 14.

45. Examination of Applicants. The board is required to question every person presenting himself for registration as to his right to be registered, and may put him under oath for that purpose. They may also swear and employ an interpreter where the applicant does not speak the English language.

46. New Registrations. The board shall require each applicant to state whether he has previously been registered in or resided in any other district. Each board shall make a separate list of the new registrations, particularly specifying those who have previously been registered in any other district, noting the previous place of residence of such person. These lists are returned, with the registration books, to the city clerk.

47. The Registration Books. At the close of their session, the board, or the members who made the registration in the particular district, shall sign the list under each alphabetical division, adding the date of their signatures, and shall immediately deposit the same with the city clerk, whose office is kept open for the purpose.

48. City Board of Registration. The chairman of each district board is a member of the city board of registration, with two others, designated by the board at their first regular meeting. The city board meets at the council chamber, on the Monday next preceding the election, at nine o'clock A. M.

49. Duties of the City Board. A chairman and a clerk should be appointed. The registers of the several districts are then examined and corrected by the lists returned to the city clerk, as by section 48. The board may correct any errors appearing therein, but no new names shall be added or marked so as to indicate that any person has ceased to be an elector in any district, unless it be found that a person is registered in two or more districts, in which case the board shall ascertain the district in which the person is entitled to be registered, and shall indicate in the register of any other district the fact that such person is not entitled to vote in such other district, retaining the name of such person in the district in which he is entitled to vote.

50. Marks with Red Ink. When any person shall have ceased to be an elector in any district, the board of registration of such district, at its session, may note the fact in red ink acrosss the name of such elector, in addition to the marks provided to be set opposite his name by law. This is also done by the city board in the discharge of their duties under the last preceding section.

STATUTORY PROVISIONS

RELATING TO THE MANNER OF CONDUCTING ELECTIONS.

NOTE.—Act 190, Public Acts, 1891, approved July 3, 1891, is entitled "An Act to prescribe the manner of conducting, and to prevent fraud and deception at elections in this State." A Supplemental Act (194), adapts the first named Act to local elections. (See Sec. 115–118, herein.) Such pre-existing and unrepealed statutory provisions as connect themselves with the subject matter are included herein with the legislation of 1891, but the order of the latter has not been adhered to. The arrangement of the sections (and in some cases parts of sections), has been so changed as to secure as far as practicable continuity of the text with the processes that it prescribes. The section numbers of the Act of 1891 are given in parentheses, following the side heads.

OPENING THE POLL.

51. Inspectors of Election. (1.) That at all elections at which any presidential elector, member of Congress, member of the Legislature, State or County Officer or Circuit Judge is to be elected, or any amendments to the constitution, the supervisor, two justices of the peace (not holding the office of supervisor or township clerk), whose terms of office will first expire, and the township clerk of each township, and the assessor, if there be one, and aldermen of each ward in a city, shall be inspectors of election: *Provided*, That in all voting precincts where by special enactment provisions exist for designating inspectors of election, said provisions are not to be superseded, but such officers shall be the inspectors of election under this act: *And provided further*, That no person shall act as such inspector who is a candidate for any office to be elected by ballot at said election. *As amended, Act 202, Pub. Acts, 1893.*

52. Filling Vacancies. (2.) In case four * inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, *viva voce*, such number of said electors as, with the inspector or inspectors present, shall constitute a board of four in number; and such electors so chosen, shall be inspectors of that election during the continuance thereof.

53. Chairman of Board. (8.) When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall designate shall be chairman.

54. Clerks of Election. (3.) In townships, the township clerk, if present, shall act as clerk of the election, and before opening the polls, the inspectors shall appoint an elector to be a second clerk; and if the township clerk be not present, the board shall appoint two such clerks, and the inspectors in each voting precinct in a city shall designate one of their number to act as clerk, and shall appoint one other elector as second clerk; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

55. When Polls to Open and Close. (5.) On the day of election, the polls thereof shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day, and no

* The election law heretofore in force provided for a board of three inspectors. This section and the one preceding and following, so far as they relate to townships, contemplate those townships only where but a single poll is held. Section 4 of the Act of 1891 (Sec. 104 herein) provides that in case of the division of a township, the election shall be governed by existing laws. The law governing this subject (Howell, Sec. 126), provides that the regular township inspectors shall be the inspectors in District No. 1, and two justices and the treasurer in District No. 2. The spirit of the Act of 1891 would require the appointment of a fourth inspector in such cases. Probably but few townships will be divided into more than two districts, but in case of more than two, the section of Howell above quoted makes the necessary provision. Election boards in the city of Detroit are composed of six members, as heretofore.

longer ; * but in townships the board may adjourn the polls at twelve o'clock, noon, for one hour, in their discretion. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes, and fifteen minutes respectively, before the closing thereof.

55a. Opening and Closing Polls at Judicial Elections. (47.) At the general election to be held in this State on the first Monday of April, 1893, or in any second year thereafter, the polls of such election in townships and cities shall, for all purposes, open and close at the times herein prescribed for the opening and closing of polls, anything in Act number 194, of the Public Acts of 1891, or in any other statute, local or general, to the contrary notwithstanding: *Provided*, That this section shall not be construed as forbidding a noon adjournment in townships. *Added by Act 18, Pub. Acts, 1893.*

56. Ballot Boxes to be Examined. (7.) Before opening the poll, the ballot box shall be examined, and the contents, if any, removed therefrom ; it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board. The said box shall not be opened during the election, except as provided by law in case of adjournments.

THE BALLOTS AND METHOD OF VOTING.

57. Packages of Ballots to be Opened—Ballots to be Marked with Initials. (22.) At the opening of the polls, after the organization of, and in the presence of the board of inspectors, one of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place the stamps for marking the ballots in the booths, two in each. The inspector so designated shall at once proceed to write his initials in ink on the upper left hand corner of the back of each of said ballots, in his ordinary hand writing, and without any distinguishing mark of any kind. As each successive elector calls for a ballot, another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspectors shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed, shall be at all times in the hands of the inspector delivering the ballot to the elector. †

58. Admittance of Electors within the Railing. (21.) The entrance gate shall be in charge of a gate keeper appointed at the opening of the polls by the board of election inspectors, and duly sworn to allow no person to pass through said gate and enter said railing except as otherwise provided in this Act, except to vote or to assist some elector in the preparation of his ballot, as provided in this act, and no person shall be allowed to be inside of said railing, except to vote or to assist an elector in the preparation of his ballot as hereinafter provided, and as soon as the elector has voted he shall retire without, and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted in the order in which they shall apply.

NOTE—The matter embraced in section numbers 59, 60, 60a, 60b, and 60c (which follow), is all embodied in section 26 of the amendatory Act (Pub. Act 202) of 1893. The section has been subdivided and the arrangement changed so as to render it more plain. The clause in brackets in sec. 59 is an addition by the compiler. The essential matter in this connection is the provision that when a ticket is marked with the cross at the head, and some name on another ticket is also marked, or where a name is written or pasted in the space under a name on the party ticket, it shall count as against the name on the party ticket, even though the latter is not erased. The formula is shown by the sample ballots on page 23.

59. Ballots to be delivered to Electors—Method of Marking. (26.) When an elector shall not be challenged or shall have taken the necessary oath or affirmation, he shall be permitted to vote. On entering the room, the inspector holding the ballots shall deliver to him one of them, and on request shall give explanation of the manner of voting ; if deemed necessary by the board, an interpreter may be called. The elector shall then, and without leaving the room, go alone into a booth which is unoccupied, and indicate the candidate for whom he desires to vote as follows : If

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* See Section 115 herein, by which at township meetings the polls will open at 9 o'clock and close between 3 and 6 o'clock, and at municipal elections in cities and villages, the opening and closing will be governed by charter. See also Sec. 55a.

† Slips, when provided for the purpose of supplying vacancies, should be attached to the tickets before they are given out, as by Sec. 98 herein.

the party desires to vote a straight ticket he must stamp a cross (X) in the circle under the name of his party at the head of the ballot. Nothing further need be done. * * * A ticket marked with a cross in the circle under a party name will be deemed a vote for each of the candidates named in such party column whose name is not erased, except those candidates where a cross is placed in the square before the name of some opposing candidate on the opposite ticket, or where a name is written or pasted on the party ticket, of some candidate whose name is not printed as a candidate on any party ticket [and except also as provided in Sec. 60]. Where only one candidate is to be elected to an office, and the elector desires to vote for a candidate not on his party ticket, he should make a cross in the circle under the name of his party, and also make a cross in the square before the name of the candidate for whom he desires to vote on the other ticket. In such case it will not be necessary to strike off the name of the candidate on the party ticket. * * * In case there is only one candidate to be elected to any office, the cross in the square before the name of the candidate on the opposing ticket shall be deemed one vote for such candidate.

60. Where More than One Officer is to be Voted for. (26.) Where two or more candidates are to be elected to the same office, like circuit court commissioners, electors, etc., and the voter desires to vote for candidates on different tickets for such office, he must mark a cross in the circle under his party name and mark a cross in the square before the name or names of the candidate for whom he desires to vote on the other ticket or tickets, and also erase an equal number of names of the candidates for such office on his party ticket. * * * Where there are two or more candidates to elect to the same or like offices, a cross before the names of the opposing candidate or candidates shall be deemed one vote for such candidate or candidates, provided an equal number of names for the same office are erased from the party ticket.

60a. "Stump" Candidates, etc. (26.) If the elector wishes to vote for a candidate not on any ticket he must write or paste the name of such candidate on his ticket opposite the name of the office, and make a cross in the circle under the party name. * * * If the name of any person who is not a candidate on any ticket, is written or placed on the party ticket opposite the name of the office, and there is a cross in the circle under the party name, the name so written shall be counted one vote for the person so mentioned, whether the original name on the party ticket is erased or not, excepting in cases where there is a cross in the square before the name of some opposing candidate on some other party ticket.

60b. Voting a Mixed Ticket. (26.) If no cross is placed in the circle under the party name, a cross in the square before the name of any candidate shall be deemed a vote for such candidate, except in cases where the elector votes for more candidates for the same office than are to be elected.

60c. Constitutional Amendments, etc. (26.) Such elector may also indicate his preference on any constitutional amendment or other question by stamping a (X) in the square in front of the words "Yes" or "No" opposite such question.

60d. Printed Instructions. (31.) Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the Secretary of State, to the county clerk of each county, containing any information that will enable voters to quickly make and correctly designate their choice, and the county clerks shall furnish such cards to the city and township clerks in the county. Such clerks shall furnish such cards to each polling place, one of which shall be hung in each compartment, two in the polling room and three on the outside of the building in which the voting takes place. Whenever the clerk of any county notifies the Secretary of State that the printed instructions are also needed in a foreign language, and such language is stated, then it shall be the duty of the Secretary of State to furnish such printed instructions in such foreign language. In case of necessity the chairman may employ an interpreter.

61. When Inspector may Mark Ballot. (32.) When an elector shall make oath that he cannot read English; or that because of physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors, his ballot shall be marked for him in the presence of the challenger of each political party having a challenger at such voting place, by an inspector designated by the board for that purpose; which marking shall be done in one of the booths. *As amended, Act 202, Pub. Acts, 1893.*

62. Ballot to be Folded—How Deposited in Box—Not to be Shown. (26.) Before leaving the booth, the elector shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the inspector shall be on the outside thereof, and on leaving the booth shall at once deliver, in public view, such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same. Before the ballot is deposited in the box, the poll clerks shall enter the name of such elector on their respective poll lists, and number the same consecutively. The inspector shall then, in presence of the elector and of the board of inspectors, deposit the same in the ballot box without opening the same: * *Provided, however*, if any elector shall show his ballot, or any part thereof, to any person (other than one lawfully assisting him in the preparation thereof), after the same shall have been marked, so as to disclose any part of the face thereof, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot, his name shall be entered on the poll lists with a minute of such occurrence, and such elector shall not be allowed to vote thereafter at said election. The elector shall then leave the room, but no elector to whom a ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or stamp in his possession, shall be at once arrested on demand of any member of the board of inspectors, if he shall refuse to deliver the same upon request. *Idem.*

63. Duties of Gate Keepers. (39.) The gate keepers of elections shall be peace officers at polling places, and are hereby delegated power equal to constables for the purpose of maintaining peace and quiet at the polls on election day. They shall have charge of and keep the gates at polling places, and shall not allow any person to approach within the railing provided for in section sixteen,† except those authorized by law, and qualified electors, whom they shall allow to pass through the gates and approach the ballot box or boxes for the purpose of voting; and they shall admit one elector at a time, only, to vote, and shall cause said elector to retire without the gate and railing as soon as he has voted; and no person shall in any manner interfere with a gate keeper of election in the discharge of his duty; and it shall be unlawful for the gate keepers to aid, assist, suggest, advise or entreat an elector to prepare his ballot in a particular manner, or to coerce or attempt to coerce an elector in any way to vote or to refrain from voting for any particular person or party. No person shall be eligible to fill the office of gate keeper of election on any election day when his name shall be on any ticket at said election. Gate keepers of elections shall be at the polling place at the opening of the polls, and shall remain there until the closing of the polls, and shall receive as compensation two dollars per day for each day's work while actually engaged.

64. Limitation of Time in the Booths. (42.) The board of election may make such regulations as they deem proper, limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot; such limitation, however, shall not be less than one nor more than five minutes. ‡

65. Ballots Not to be Distributed Outside. (30.) No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room, to electors about to vote, and no ballot which has not the initials of a member of the board of election written by such member on the back thereof shall be placed in the ballot box.

66. Solicitation Prohibited. (33.) It shall be unlawful for the board, or any of them, or any person in the polling room or any compartment therewith connected, to persuade or to endeavor to persuade any person to vote for or against any particular candidate or party ticket.

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* But not unless marked by initials, etc. (See Sec. 65), and the voter must be registered.

† The section here referred to (Sec. 16), is an error—it should be Sec. 21. The section is divided in this compilation, so much of it as relates to railings and booths being made to stand as Sec. 105 and 106, and so much as relates to certain duties of gate keepers standing as Sec. 58.

‡ The limitation will doubtless be construed to refer to the time in the booths. Where an elector's right to vote is disputed, more than five minutes may be required.

67. Duplicity—Spoiled Ballots. (34.) If the elector votes for more than one candidate for the same office, said ballot shall not be counted for those persons, but shall be as to them null and void. If any elector inadvertently spoils a ballot he may obtain another from the board by returning such spoiled ballot to the board, who shall preserve the same for return to the city or township clerk.

68. Unused Ballots to be Returned. (35.) The board of inspectors of election shall preserve the unused ballots, together with the ballots which have been spoiled, and return the same to the city or township clerk, with a statement of the number of ballots used, and there shall be given by the clerk to the inspectors of election a receipt therefor, which shall be filed with the chairman of the board.

CHALLENGES.

69. Committees May Appoint Challengers. (23.) At every election, each of the political parties shall have the right to designate and keep not exceeding two challengers at each place of voting, who shall be assigned such position immediately adjoining the inspectors, inside the polling place, as will enable them to see each person as he offers to vote, and a seat and table or desk on which he may write within the railing shall be furnished for the accommodation of one of such challengers of each political party, and he shall have the right to inspect the poll lists as kept by the clerks, and who shall be protected in the discharge of their duty by the inspectors and the police. Authority, signed by the recognized chairman or presiding officer of the chief managing committee of a party in such county or township, city, ward or voting precinct, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept. The chairman appointing any challenger may, at his discretion, remove him and appoint another. Any challenger shall have the right and privilege of remaining during the canvass of the votes and until the returns are duly signed and made. *As amended, Act 202, Pub. Acts, 1893.*

70. Duty of Inspectors to Challenge. (25.) It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands during an election, and during the canvass of the votes after the poll is closed.

71. Oath to Challenged Person. (24.) If any person offering to vote shall be challenged as unqualified by any inspector, challenger or elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

1. You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months next preceding this day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election; or,

2. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State three months next preceding this day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election; or,

3. You do solemnly swear (or affirm) that you are twenty-one years of age, and that you resided in this State on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election; or,

4. You do solemnly swear (or affirm) that you are twenty-one years of age, that you have resided in this State two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election; or,

5. You do solemnly swear (or affirm) that you are twenty-one years of age, and that you are a native of the United States, that you are a civilized inhabitant of Indian descent, and not a member of any tribe, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election.

If the person so challenged shall take such oath, his vote shall be received; but if he shall swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

72. Indorsement on Ballot. Whenever the ballot of any person who has been challenged, and who has taken the oath, shall be received, it shall be the duty of the inspectors to cause to be plainly indorsed on said ballot, with pencil, and in the manner hereinafter provided, before depositing the same in the ballot-box, the number corresponding to the number placed against such voter's name on the poll lists. * * * (Howell, § 230.)

73. Indorsement, How Concealed. To prevent the identification of such ballot, it shall be the duty of the inspectors to cause to be securely attached to it, with mucilage or other adhesive substance, a slip or piece of blank paper, of the same color and appearance, as near as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said indorsement, but not to injure or deface the same. * * * (Howell, § 231.)

NOON ADJOURNMENT IN TOWNSHIPS.

74. Comparing the Poll Lists. (27.) At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and in case the same do not agree shall, under the direction of the board, correct all mistakes that may be discovered, until such poll lists shall be made in all respects to correspond.

75. Ballot Box to be Locked and Sealed. (28.) The ballot box shall then be opened and the poll list placed therein, the box locked, and at least five minutes before the removal of the same a piece of leather (or canvas) so placed as to extend from the opening in the lid of said ballot box to the key-hole in such a manner as to completely cover both such holes, shall be placed thereon and the same securely fastened with sealing wax stamped with the official election seal of such township or ward, such piece of leather (or canvas) and the sealing wax to be so arranged as to render it impossible to open either of said holes without breaking said seal. The key shall then be delivered to one of the inspectors, the box to another, and the seal to another. Such box shall not be opened nor the seal broken until the box has been publicly exposed at least five minutes before the reopening of the poll.

76. Reopening of the Poll. (29.) The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken and the box opened, the poll lists taken out, and the box again locked.

CANVASS AND RETURNS.

77. Comparing the Poll Lists—Excessive Ballots. (36.) Immediately on closing the polls, the board shall proceed to canvass the votes. Such canvass shall be public, and shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein, until they shall be found or made to agree. The box shall then be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting according to the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess.

78. Method of the Canvass. (36.) They shall first select and count the straight thickets, and give the number to each candidate voted for on the straight ticket. All other tickets shall be laid on the table and counted in regular order in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election.

79. COMPILER'S NOTE.—While not strictly according to the letter of the statute, there seems no objection to the count by debit and credit. All the tickets that have the X mark under the Democratic heading (both straight and split) may be counted as straight, and credited up in full to all the candidates; and so of the Republican and other tickets. The splits will then be sorted out and the balances struck by debiting and crediting as the facts may appear.

80. Irregular and Defective Ballots. (36) In the canvass of the votes, any ballot which is not indorsed with the initials of the inspector as provided in this act, and any ballot which shall bear any distinguishing mark or mutilation, shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall be void as to the candidate

or candidates thereby affected: *Provided, however*, That all such ballots shall be preserved, marked by the inspectors (not counted) and kept separate from the others by being tied or held in one package by a rubber band or otherwise.

81. Disposition of the Ballot Boxes, Seal, etc. (37.) After the ballots are counted they shall, together with one tally-sheet, be placed in the ballot box, which shall be securely sealed in such a manner that it cannot be opened without breaking such seal. The ballot box shall then be placed in charge of the township or city clerk, but the keys of said ballot box shall be held by the chairman of the board, and the election seal in the hands of one of the other inspectors of election.

82. COMPILER'S NOTE.—The new Act says, "securely sealed." The new Act supersedes the old only so far as it contravenes, etc. Section 28 of the act of 1891 (Sec. 75 herein), relating to adjournments in townships, prescribes the method of sealing, and so identically Sec. 177 of Howell as amended by Act 296, Pub. Acts, 1887, relating to the final disposition of the boxes. It would certainly be safe to follow this method, for which see Sec. 75 herein.

83. Declaration and Statement of Result. (38.) After the count of the tickets or ballots has been completed, the result shall be immediately publicly declared, and the number of votes received by each candidate or person on the ticket, shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate, showing the whole number of votes for each office, the names of the persons for which such votes were given, and the number each person received. Such statement, when certified by the inspectors and duly signed, shall be delivered, one copy to the township clerk, to be filed by him in his office, and the other to the inspector appointed by the board to attend the county canvass.

84. Disposition of the Poll Lists. One of the poll lists shall be delivered to the township clerk, and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the ballots, and one of such poll lists and statements, shall be delivered to the city clerk, and shall be kept and preserved by him. (Howell, Sec. 178.)

85. Canvass in Election Districts in Townships. The district inspectors of election shall, without adjourning, publicly canvass the votes received by them, the same as prescribed by law for canvassing votes at the general elections in this State, except as herein otherwise provided, and shall on the same day make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same; which statement shall be certified, under the hands of the inspectors of election of such district, to be correct, and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of district numbered "one," and said last named board shall immediately consolidate said district reports, and the combined result shall be the official canvass of said township. (Howell, § 130.)

BOARD OF ELECTION COMMISSIONERS.

86. Election Commissioners in Counties. (9.) In each county in the State, the judge of probate, county clerk and county treasurer, shall constitute a board of election commissioners, two of whom shall constitute a quorum, and of which board the judge of probate shall be chairman and the county clerk shall be secretary.* It shall be the duty of said board to prepare and distribute ballots and stamps for election of all officers for whom the electors are entitled to vote, and for all proposed constitutional amendments or other questions to be submitted to the electors of the State for popular vote in compliance with the provisions of law. The members of said board shall serve without compensation.

87. Commissioners to Cause Ballots to be Printed. (10.) The said board of election commissioners shall cause to be printed on the ballot the names of the candidates nominated by the regularly called conventions of any party. * * *

DUTIES OF PARTY COMMITTEES—VIGNETTES.

88. To Furnish Vignettes and Names to Commissioners. (10.) And it shall be the duty of the State, district or county committee of each political party to

*As to election commissioners in townships, cities and villages, see Sec. 115-118 herein.

forward to the said board of election commissioners of each county in the State, not less than twenty days* prior to any such election, a copy of the vignette adopted by them, and the names of all candidates nominated at any regularly called convention,† at which candidates for any of the offices mentioned in section one of this Act shall be nominated, and no other names, unless authorized or instructed by said convention. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees.

89. State Committee to Adopt Vignette. (11.) It shall hereafter be the duty of the State committee of any political party or organization in the State, before each election, to prepare and adopt by engraving or otherwise, a vignette, to be printed at the top of the column of such ballot assigned to such party, as a destinctive and characteristic heading thereto; such vignette shall not be more than one inch and a half square, and in addition to the device adopted, shall set forth legibly the name of such party. §

90. Vignette and Copy of Ballot to be Filed. (12.) When such vignette and heading shall have been adopted and prepared, an impression of the same, followed by the names of the candidates nominated at, or by the direction of the regularly called convention, printed and sealed up in an envelope, shall be filed with the county clerk of the county where such election is to be held, at least twenty days before such election; also a copy shall be filed with the Secretary of State at least twenty days prior to such election.

91. Penalty for Counterfeiting. (12.) Such ballots shall be kept by the Secretary of State and county clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy or in any manner counterfeit the same, or change the name of the candidate of such regular convention, except as herein provided, or by authority of such convention.

92. Vignette to Remain as Official Until Changed. (12.) Such vignette and heading shall remain as the heading for the column of such party organization on the ballots of all elections until changed by the proper committee, and notice thereof shall have been given to such county clerks and Secretary of State.

93. Commissioners to Provide Cuts of Vignette. (12.) It shall be the duty of the board of election commissioners to provide, at the expense of the county, a sufficient number of cuts of the several vignettes provided for in this act, from which to print the necessary number of ballots to be distributed by them.

PREPARATION AND DISTRIBUTION OF BALLOTS.

94. How Ballots to be Printed. (14.) The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for in each legislative district of said county at any election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed under the title and device of such party as designated by them in their certificate. And shall also cause any proposed constitutional amendments or other questions to be submitted to the electors of the State for popular vote, to be printed at the foot of said ballot in such convenient place as to be readily distinguishable, one from the other. The ticket of the party having the greatest number of votes within the county at the last preceding general election, shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. The list of candidates of each party shall be placed in a separate column of said ballot with the appropriate heading; and the arrangement of the ballot shall conform as nearly as may be to the following plan, and shall contain the specific instructions therein set forth, and no others:‖ *As amended, Act 202, Pub. Acts, 1893.*

95. Proof Copy of Ballot. (11.) A proof copy of the ballot shall be on file at the office of the county clerk of each county and open for inspection by the candi-

* In townships, cities and villages, not less than five days. (See Sec. 118 herein.)

† As to manner of supplying vacancies by pasters, see Sec. 98 herein.

§ The balance of this section stands as Sec. 95 herein.

‖ For form of ballot see page 21 herein.

dates named thereon and by the chairman of each committee furnishing the names of candidates thereon, but by no other person, at least ten days prior to each election.* And it shall be the duty of the board of election commissioners to correct such errors as may be found therein by such inspection.†

96. Number of Ballots to be Printed—Stamps to be Provided. (17.) It shall be the duty of the board of election commissioners of each county to provide a sufficient number of ballots, at least two to each elector, according to the vote at the last preceding general election. They shall also provide and inclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct, as hereafter provided, as many metallic stamps bearing a cross [×], together with ink pads and metallic erasing stamps as may be necessary, at least two stamps being furnished for every booth erected as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county. *As amended, Act 202, Pub. Acts, 1893.*

97. Constitutional Amendments. (18.) Whenever a constitutional amendment or other question is proposed to be voted upon by the electors, the substance of such amendment or other question shall be clearly indicated upon the ballot, and below the same upon the ballot shall be placed in separate lines the words "Yes" and "No." The elector shall designate his vote by a cross mark, [×] placed opposite the word "Yes" or the word "No."

98. Supplying Vacancies, Pasters, Etc. (15.) In case of the death, removal or withdrawal of any candidate after the printing of such ballots, and before such election, the chairman of the State, district or county committee of the political party to which such candidate belonged shall transmit to the county clerk the name of the person selected by such party to fill such vacancy, and said county clerk shall provide the election board of each precinct in which such candidate is to be voted for, with a number of pasters containing only the name of such new candidate,‡ at least equal to the number of ballots provided for such precinct, but no pasters shall be given to, or received by any one, except such election board and such chairman; and it shall be the duty of the chairman of the board of inspectors of election to put one of such pasters in a careful and proper manner, in the proper place on each ballot, before it shall be given to any elector for the purpose of voting. In case of such death, removal or resignation before the printing of such ballots, the name of the person selected in the place of such candidate shall be communicated by the proper committee of the political organization to which such candidate belonged, and the necessary change in such ballot shall be made by the board.

DELIVERY OF BALLOTS TO ELECTION OFFICERS.

99. Chairman of Election Inspectors to Procure Ballots. (19.) It shall be the duty of the chairman of the board of election inspectors of each voting precinct in each county, or in case he cannot attend, some other member of such board, authorized in writing by said chairman, to appear at the office of the county clerk of his county, not more than four nor less than two days before each election, and the board of election commissioners shall deliver to him, in a sealed package, the ballots and the stamps provided for his precinct §

100. Ballots to be in Sealed Packages and Receipted For. (19.) The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board, ‖ or some other member thereof duly authorized therefor, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to said inspector of elections he shall receipt for the same; and for the safe sealing of such ballots, the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper.

101. When Packages of Ballots to be Opened. (19.) Said packages

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* In townships, cities and villages, at least two days prior to election. (See Sec. 118 herein.)

† And to supply vacancies when directed by the proper committee as by Sec. 98.

‡ It would be well to have the slips printed in block, with a stub containing a memorandum showing where they are to go.

§ And should also procure the printed instructions as by Sec. 108 herein.

‖ Meaning the chairman of the county board of election commissioners.

shall not be opened until delivered to the election board of the respective voting precincts to which they are directed, when said boards shall be fully organized and ready for the reception of votes as in this act provided.

102. When Ballots to be Sent by Special Messenger. (20.) In case none of the board of election inspectors of any precinct shall appear at the office of the county clerk within the time above specified, the board of election commissioners shall forthwith dispatch a special messenger to such precinct, with the ballots and stamps for such precinct, wrapped, tied and sealed as aforesaid, who shall deliver the same to one of the election inspectors or some responsible elector of such precinct, to be designated by the board of election commissioners, who may receipt therefor, and whose duty it shall be to deliver the same to the inspectors at the polling place before seven o'clock in the forenoon of the day of election. Such messenger shall promptly report to such clerk and file with him the receipt of the person to whom he delivered such ballots and stamps, and his affidavit stating where, when and to whom he delivered the same.

103. Unlawful Printing and Delivering of Ballots. (16.) It shall not be lawful for the printer of such ballots, or any other person, to give, or deliver to, or knowingly permit to be taken, any of said ballots, by any person other than a member of the board of election commissioners, for which such ballots are being printed, or to print or cause or permit to be printed, any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners: *Provided*, That it shall and may be lawful for the chairmen of committees and candidates named on the official ballot to procure any number of *fac similes* of the ticket to be printed on red, yellow or blue paper, and to circulate the same for the purpose of the instruction of voters, said colored ballot to have printed at the head the words "Instruction Ballot." *As amended, Act 202, Pub. Acts, 1893.*

DUTIES OF CERTAIN OFFICERS AND BOARDS.

104. Election Districts. (4.) No election district or voting precinct under the provisions of this act shall contain more than six hundred and fifty electors according to the poll list of the last preceding general election. When any election district or voting precinct shall contain over six hundred and fifty electors, it shall be the duty of the township board in townships, and the city council in cities, to divide such voting precinct into two or more election districts. In case of townships and incorporated villages so divided, the provisions of chapter eight of Howell's Annotated Statutes* shall apply to and govern all proceedings hereunder, with reference to such division, boards of registration, election inspectors, and all matters arising therefrom not provided for by this act. In cities where no special provisions exist relative thereto, such division and all matters arising therefrom, not covered by the provisions of this act, shall be provided for by ordinance of the common council of said city, and it is hereby made the duty of such common council to make all necessary rules and regulations in connection herewith to fully carry out the provisions of this section: *Provided*, That any election district or voting precinct under the provisions of this act containing three hundred or more electors, and not exceeding six hundred and fifty electors, according to the poll list of the last preceding general election, may, at the discretion of the proper authorities, be divided into two election districts. *As amended, Act 17, Pub. Acts, 1893.*

105. Railing and Gates in the Polling Room. (21.) In all townships, and all voting precincts in cities, the township board of each township, and the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities, wards, election districts and voting precincts throughout the State, shall provide for, and cause to be erected in the room where elections are to be held, a railing or fence four feet in height, which railing or fence shall be placed through and across the room, and shall cause gates to be erected in said railing.†

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* Howell's comp., Sec. 124-136.

† As to this and the next following section see note to Sec. 63.

106. Booths and Exit Gate. (21.) The entrance gate shall be placed at one side of the room, and on the inside of said gate a booth or temporary room shall be erected. At least one such booth shall be provided at each polling place, and not less than one for each hundred persons entitled to vote thereat, as shown by the last preceding registration of electors, and built with walls not less than six feet high, and in such manner that the person preparing the ballot shall be concealed from all other persons. Said railing shall also contain an exit gate, which shall be under the care of an officer appointed by the board and duly sworn, as above.

107. Ballot Boxes and Seal. (6.) There shall be provided and kept by the township clerk in each township at the expense of such township, and in each ward or voting precinct of any city by the city clerk or recorder at the expense of the city, one or more suitable ballot boxes, with lock and key, which ballot box shall have an opening through the lid of the proper size to admit a single closed ballot, through which each ballot received shall be passed into the box. He shall also furnish a township or ward election seal, which shall contain the name of the township or ward and the words "election seal" around the margin thereof, and such other words or device thereon as the township board of the township or common council of the city may prescribe.

109. Notice of Constitutional Amendments. (13) Whenever a proposed constitutional amendment or other question is to be submitted to the electors of the State for popular vote, the Secretary of State shall duly, and not less than thirty days before election, certify the same to the clerk of each county in the State.

SALOONS AND LIQUORS.

110. Duties of Inspectors in Case of Saloon, Etc. (40.) No election shall be held, nor shall any election be appointed to be held in any saloon or bar room, or in any room or place contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the inspectors of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like objection. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of said adjournment, give public notice to the electors present by proclamation of such change, and post in a conspicious manner notice of the place where such election shall be held, and all expenses attending such change shall be certified by said inspectors to the proper authorities and shall be allowed and paid accordingly.

111. Liquors Not to be Introduced. (41.) Any person or persons introducing in any way, upon election day, into the building where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such places, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court.

CERTAIN DUTIES, LIABILITIES AND PENALTIES.

112. Statement of Expenses to be Filed. (44.) It shall be the duty of every candidate for any office named in this act, and of the chairman of every State, district and county committee of each political organization, within twenty days after each election held pursuant to the provisions of this act, to make and file an affidavit stating the amount of money expended by such candidate or committee in and about the canvass of such candidate or political organization in connection with such election, and further showing that no expenditures have been made by such candidate or political organization or by any person in his or its behalf to the knowledge or belief of the person making such affidavit, for any purpose prohibited by this act. Such affidavit, when made by the chairman of the State committee or a candidate for any state office, shall be filed in the office of the Secretary of State; when made by the chairman of any district committee or a candidate

for the office of presidential elector, member of Congress, State senator or representative, in the office of the clerk of the county to which election returns for said district are made, and when made by the chairman of any county committee or candidate for a county office, in the office of the clerk of such county. Willful false swearing in this or in any other matter herein required to be under the oath of any person, shall be deemed perjury, and punishable accordingly.

113. Expenditures by Candidates Forbidden. (43) It shall not be lawful for any candidate for any elective office, with intent to promote his election, or for any other person, with intent to promote the election of any such candidate, either:

First, To provide or furnish entertainment at his expense to any meeting of electors, previous to, or during the election at which he [shall] may be a candidate; or,

Second, To pay for, procure, or engage to pay for any such entertainment; or,

Third, To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for the defraying the expenses of office room or hall rent, postage, stationery and clerk hire, music at public meetings, the pay and expense of public speakers, transportation of committeemen, the pay of challengers at polls, and of persons to inspect the registration of voters and of persons employed to make lists of the voters in election precincts, and of printing, and the circulation of handbills and other papers previous to any such election, or for conveying electors to the polls. *As amended, Act 202, Pub. Acts, 1893.*

114. Certain Acts a Felony. (45.) Any person who shall knowingly violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duty enjoined upon him hereby, or shall disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballot shall have been seen by such person, or shall in any manner obstruct or attempt to obstruct any elector in his exercise of his duties as such elector under this act, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State Prison not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 46. All acts or parts of acts contravening the provisions of this act are hereby repealed.

TOWNSHIP, CITY AND VILLAGE ELECTIONS. *

115. General Laws Applicable. (1.) That all elections hereafter held in the various cities, villages and townships in this State, shall be in conformity with the provisions of the laws governing general elections so far as the same shall be applicable thereto, and all the provisions of such laws relative to the boards of election inspectors, the arrangement of polling places, the manner of voting and receiving votes, and the canvass and declaration of the result of such election, are hereby made applicable to such municipal and township elections, but the time for the opening and closing of the polls shall not be affected thereby.

116. Board of Election Commissioners. (2.) The township board of each township, and such persons as shall be elected therefor by the common councils of the various cities and villages in this State, shall be the board of election commissioners for such township, city, or village respectively, and shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

117. Party Committees. (2.) And like duties and privileges as are enjoined and granted by the laws governing general elections upon the various committees of the different political organizations are hereby prescribed for the city, village or township committees in elections held pursuant hereto; except that it shall not be necessary for the committees of the different political organizations to furnish a vignette or heading for the ballots other than to designate the name of the party or political organization which they represent.

118. When Names to be Supplied. (3.) In municipalities governed by this law, the names of candidates shall be given by the committees of the various political organizations to the board of election commissioners of such municipality not less than five days before each election, and the proof copy of the ballot shall be open to the inspection of the chairman of each committee at the office of the township clerk, and city or village clerk or recorder, not less than two clear secular days before such election.

* An Act to prescribe the manner of conducting municipal and township elections, and to prevent fraud and deception thereat. Approved July 3, 1891. Act No. 194, Public Acts, 1891.

OFFICIAL BALLOT.

[INSTRUCTIONS—]In all cases stamp a cross (x) in the circle under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need be done.

Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross in the square before the name of the candidate for whom you desire to vote on the other ticket.

Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross in the square before the names of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

NAME OF OFFICER VOTED FOR.	VIGNETTE. DEMOCRATIC. ○	VIGNETTE. REPUBLICAN. ○	VIGNETTE. INDUSTRIAL. ○
STATE.			
Governor	☐ Edwin B. Winans.	☐ James M. Turner.	☐ Lyman A. Brant.
Lieutenant Governor	☐ Frederick Braastad.	☐ Lemuel G. Dafoe.	☐ William A. Johnson.
Secretary of State	☐ Daniel E. Soper.	☐ Washington Gardner.	☐ William H. McKinstry
CONGRESSIONAL.			
Representative in Congress—fifth Congressional district.	☐ Edwin F. Uhl.	☐ Charles W. Watkins.	☐ Dudley O. Watson.
PRESIDENTIAL.			
Electors of President and Vice President	☐ Arthur S. White.	☐ Frederick W. Maynard	☐ John W. Hayward.
LEGISLATIVE.			
State Senator—twenty-first district	☐ Albert K. Roof.	☐ Selig Solomon.	☐ John M. Herz.
Representative—first district.	☐ Vincent P. Cash.	☐ DeVere Hall.	☐ William B. Jackson.
COUNTY.			
Sheriff	☐ Charles R. Pratt.	☐ William Hahn.	☐ James Hanley.
Judge of Probate	☐ Jay L. Newberry.	☐ Grant M. Morse.	☐ Frank Porter.
Treasurer	☐ J. Warren Peake.	☐ John V. N. Gregory.	☐ Frank W. Cook.

[*Printed by Authority.*]

A STRAIGHT REPUBLICAN TICKET.

NAME OF OFFICE VOTED FOR.	REPUBLICAN. ⊗	DEMOCRATIC. ○	PEOPLE'S. ○
Mayor	☐ Sylvester Abel.	☐ Charles Babcock.	☐ Daniel Campbell.
City Clerk	☐ Levi Aldrich.	☐ Norman Bailey.	☐ Orrin Chapman.
City Treasurer.....	☐ Charles Austin.	☐ John Barber.	☐ John Clare.
City Attorney.....	☐ David Andrews.	☐ John Bartow.	☐ Henry Compton.
Police Justice	☐ John W. Allen.	☐ Byron D. Ball.	☐ Millman Cooper.
Justice of Peace...	☐ Henry J. Alvord.	☐ Noah Beach.	☐ Martin Connor.
MembersBoard of Estimates at large	☐ Oliver H. Abell.	☐ Norman Andrews	☐ Samuel Axford.
	☐ John S. Barry.	☐ Levi L. Baxter.	☐ Adam Beattie.
	☐ John L. Curtis.	☐ Robert Crouse.	☐ George B. Cooper
	☐ Titus Dort.	☐ Ellery Deming.	☐ Charles Dixon.
	☐ Edward Ellis.	☐ Ralph Ely.	☐ Samuel Etheridge

A MIXED TICKET.

NAME OF OFFICE VOTED FOR.	REPUBLICAN. ○	DEMOCRATIC. ○	PEOPLE'S. ○
Mayor	☒ Sylvester Abel.	☐ Charles Babcock.	☐ Daniel Campbell.
City Clerk	☐ Levi Aldrich.	☒ Norman Bailey.	☐ Orrin Chapman.
City Treasurer. ...	☐ Charles Austin.	☐ John Barber.	☒ John Clare.
City Attorney.....	☐ David Andrews.	☐ John Bartow.	☒ Henry Compton.
Police Justice	☒ John W. Allen.	☒ Byron D. Ball.	☐ Millman Cooper.
Justice of Peace...	☐ Henry J. Alvord.	☐ Noah Beach.	☐ Martin Connor.
MembersBoard of Estimates at large	☒ Oliver H. Abell.	☐ Norman Andrews	☐ Samuel Axford.
	☐ John S. Barry.	☐ Levi L. Baxter.	☒ Adam Beattie.
	☐ John L. Curtis.	☒ Robert Crouse.	☐ George B. Cooper
	☐ Titus Dort.	☐ Ellery Deming.	☐ Charles Dixon.
	☐ Edward Ellis.	☐ Ralph Ely.	☐ Samuel Etheridge

The "Mixed Ticket" votes only for those whose names are marked with the ×, but as two names are so marked for Police Justice the vote does not count for either.

A STRAIGHT DEMOCRATIC TICKET.

NAME OF OFFICE VOTED FOR.	REPUBLICAN. ○	DEMOCRATIC. ⊗	PEOPLE'S. ○
Mayor	☐ Sylvester Abel.	☐ Charles Babcock.	☐ Daniel Campbell.
City Clerk	☐ Levi Aldrich.	☐ Norman Bailey.	☐ Orrin Chapman.
City Treasurer.....	☐ Charles Austin.	☐ John Barber.	☐ John Clare.
City Attorney.....	☐ David Andrews.	☐ John Bartow.	☐ Henry Compton.
Police Justice	☐ John W. Allen.	☐ Byron D. Ball.	☐ Millman Cooper.
Justice of Peace...	☐ Henry J. Alvord.	☐ Noah Beach.	☐ Martin Connor.
MembersBoard of Estimates at large	☐ Oliver H. Abell. ☐ John S. Barry. ☐ John L. Curtis. ☐ Titus Dort. ☐ Edward Ellis.	☐ Norman Andrews ☐ Levi L. Baxter. ☐ Robert Crouse. ☐ Ellery Deming. ☐ Ralph Ely.	☐ Samuel Axford. ☐ Adam Beattie. ☐ George B. Cooper ☐ Charles Dixon. ☐ Samuel Etheridge

A "SPLIT" TICKET.

NAME OF OFFICE VOTED FOR.	REPUBLICAN. ○	DEMOCRATIC. ○	PEOPLE'S. ⊗
Mayor	☐ Sylvester Abel.	☐ Charles Babcock.	☐ Daniel Campbell.
City Clerk	☒ Levi Aldrich.	☐ Norman Bailey.	☐ Orrin Chapman.
City Treasurer. ...	☐ Charles Austin.	☐ John Barber.	☐ John Clare. David Jones
City Attorney.....	☒ David Andrews.	☐ John Bartow.	☐ Henry Compton.
Police Justice	☐ John W. Allen.	☐ Byron D. Ball.	☐ Millman Cooper.
Justice of Peace...	☐ Henry J. Alvord.	☐ Noah Beach.	☐ Martin Connor. James Huston.
MembersBoard of Estimates at large	☒ Oliver H. Abell. ☐ John S. Barry. ☐ John L. Curtis. ☐ Titus Dort. ☐ Edward Ellis.	☐ Norman Andrews ☒ Levi L. Baxter. ☐ Robert Crouse. ☐ Ellery Deming. ☐ Ralph Ely.	☐ Samuel Axford. ☐ Adam Beattie. ☐ ~~George B. Cooper~~ ☐ Charles Dixon. ☐ ~~Samuel Etheridge~~

The "Split Ticket" above votes the People's ticket, except Chapman, Clare, Compton, Connor, Geo. B. Cooper and Etheridge. Those names marked with the × are voted for. David Jones, written under John Clare, takes the vote from Clare, and James Huston being pasted under Connor, takes the vote from him. (See Sec. 59, 60, 60a.)

ELECTION DISTRICTS,

CITY OF DETROIT.

Qr. Sec, 25 & 26

Qr. Sec, 23 & 24

233 ft. n. of Williams Rd.

250 ft. w. of Crawford St.

233 ft. e. center of Oakland Ave.

233 ft. n. of s. line Qr. sec. 39

224 ¾ ft. n. of n. line Boul.

200 ft. outside of Boul'v'd

Toledo Av. and P. C.

12th St.

Parallel with Boul.

Strong Av.

St. Charles Av.

Priv. Claims Butler Rd.

Back Concession.

East line P. C. 257 and Back C

Holden Ave.

Michigan and west line of Foundry

Grand River Avenue

Second Avenue

Michigan and Greenfield Ave.

M. C. R. R.

DETROIT RIVER

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